

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

BETTE JEAN MCDONALD,	:	
	:	10cv6702 (DGL) (JWF)
Plaintiff	:	
	:	
	:	
v.	:	Jury selection begins on
JOHN E. GILBERT, III,	:	July 9, 2012
	:	
Defendant.	:	
	:	

---

**PLAINTIFF BETTE JEAN MCDONALD'S SUPPLEMENTAL PRETRIAL  
STATEMENT SUBMISSION LISTING ADDITIONAL DEPOSITION DESIGNATIONS**

DEBEVOISE & PLIMPTON LLP

Svetlana M. Eisenberg  
Kaitlin T. Farrell  
919 Third Avenue  
New York, New York 10022  
Telephone (212) 909-6000  
*smeisenberg@debevoise.com*  
*ktfarrell@debevoise.com*

THE LEGAL AID SOCIETY  
PRISONERS' RIGHTS PROJECT

Dori Lewis  
Veronica Vela  
199 Water Street, 6<sup>th</sup> Floor  
New York, New York 10038  
Telephone (212) 577-3530  
*dlewis@legal-aid.org*  
*vvela@legal-aid.org*

Dated: June 25, 2012

On June 22, 2012, Plaintiff Bette Jean McDonald, pursuant to Local Rule of Civil Procedure 16(e) (the “Rules”) and the Honorable Jonathan W. Feldman’s Pretrial Order (the “PTO”), filed a Pretrial Statement. She is hereby supplementing the Pretrial Statement. Specifically, the Plaintiff is supplementing her disclosure pursuant to PTO § II.I.B.5 and Rule 16(e)(2)(g) for deposition testimony that she intends to offer at trial. In addition to supplying a revised listing for designated testimony from the Defendant’s deposition, the Plaintiff is also supplying designations for Corilynn’s Lorenzo’s June 20, 2012 deposition. The Plaintiff received the transcript of Ms. Lorenzo’s deposition only on June 23, 2012 and is supplying the list of designations right away to provide defense counsel with as much lead notice as possible. The Plaintiff, however, respectfully requests that she be allowed to supplement the listing in case it inadvertently omits certain testimony that the Plaintiff wishes to offer in evidence. The Plaintiff also reserves all hers rights in this regard.

Deponent Name and Title at Time of Deposition	Transcript Date	Plaintiff’s Designation (Revised June 25, 2012)
JOHN E. GILBERT III Defendant	Deposed on August 7, 2007	

01:01-01:25;  
03:01-03:03;  
05:02-05:24;  
05:25-06:11;  
06:18-06:20;  
07:14-09:12;  
15:24-16:21;  
17:10-18:10;  
18:11-22:15;  
25:17 – 31:2;  
31:06-32:03;  
35:13-36:11;  
36:12-37:08;  
38:25-40:10;  
40:12-40:16;  
41:12-43:05;  
43:06-44:01;

Deponent Name and Title at Time of Deposition	Transcript Date	Plaintiff's Designation (Revised June 25, 2012)
<b>JOHN E. GILBERT III</b> Defendant	Deposed on August 7, 2007	

48:08-52:07;  
52:15-52:22;  
65:06-66:01;  
66:02-72:03;  
72:04-82:10;  
82:14-84:24;  
86:18-89:08;  
93:21-99:10;  
101:7-101:17;  
105:08-107:13;  
110:21-114:04;  
118:21-120:10;  
122:25-123:12;  
123:13-132:11;  
132:21-136:03;  
142:23-143:15;  
143:17-145:14;  
154:20-155:10;  
155:12-156:12;  
167:20-168:15;  
160:16-166:25;  
172:9-172:24;  
172:21-172:24;  
173:24-174:12;  
175:07-177:07;  
196:10-196:20;  
197:06-198:02;  
201:12-206:21;  
212:16-214:05;  
231:1-231:6;  
235:11-235:15;  
236:07-239:19;  
239:20-242:09;  
242:10-243:20;  
244:10-244:12;  
245:23-247:3;  
248:08-250:06;  
250:08-256:02;  
256:16-257:18;  
257:25-262:6;  
263:20-276:12;  
279:24-315:21;

Deponent Name and Title at Time of Deposition	Transcript Date	Plaintiff's Designation (Revised June 25, 2012)
<b>JOHN E. GILBERT III</b> Defendant	Deposed on August 7, 2007	315:22-318:14; 318:16-320:21; 320:22-320:25; 327:15-332:14; 332:18-336:22; 336:23-338:21; 338:22-341:9; 363:11-363:19; 363:21-365:07; 365:08-365:21; 367:17-368:18; 375:08-378:11; 387:1-388:3; 390:1-391:2; 392:6-392:15; 394:9-394:17.

Deponent Name and Title at Time of Deposition	Transcript Date	Plaintiff's Designation
Corilynn Lorenzo	Deposed on June 20, 2012	1:1-1:25; 5:1-5:14; 8:7-8:11; 9:2-11:5; 12:3-12:25; 13:8-14:10; 14:16-20:14; 20:21-21:23; 23:11-24:9; 24:10-26:25; 27:1-28:2; 28:9-30:17; 31:4-36:4; 36:5-39:23; 39:25-40:25; 41:10-42:12; 44:19-45:16; 45:19-47:9; 47:19-48:21; 49:11-53:18; 53:19-54:13; 54:16-55:13; 55:15-55:23; 56:12-58:12; 58:14-62:17; 62:21-63:20; 63:22-65:5; 65:19-66:9; 66:12-66:23; 67:4-67:8; 67:18-68:22; 68:25-69:10; 69:11-73:9; 73:11-74:6; 74:7-77:18; 78:4-80:20; 81:3-81:24; 82:1-82:3; 82:6-82:25; 83:4-83:10; 83:13-83:25;

Deponent Name and Title at Time of Deposition	Transcript Date	Plaintiff's Designation
Corilynn Lorenzo	Deposed on June 20, 2012	84:8-86:7; 86:9-88:5; 88:8-88:25; 89:5-91:6; 91:7-92:22; 93:12-93:24; 94:6-94:12; 94:19-96:3; 96:8-98:6; 98:9-99:9; 99:18-100:15; 100:16-109:19; 110:1-111:2; 111:6-118:4; 124:10-125:3; 125:9-125:12; 125:23-126:4; 137:20-138:12; 139:9-140:3; 183:3:183:5.

Dated: New York, NY  
June 25, 2012

Respectfully submitted,

DEBEVOISE & PLIMPTON LLP

/s/ Svetlana Eisenberg  
Svetlana M. Eisenberg  
Kaitlin T. Farrell  
919 Third Avenue  
New York, New York 10022  
Tel.: (212) 909-6000  
smeisenberg@debevoise.com  
ktfarrell@debevoise.com

THE LEGAL AID SOCIETY  
PRISONERS' RIGHTS PROJECT  
Dori Lewis  
Veronica Vela  
199 Water Street, 6<sup>th</sup> Floor  
New York, New York 10038  
Tel.: (212) 577-3530  
[dlewis@legal-aid.org](mailto:dlewis@legal-aid.org)  
[vvela@legal-aid.org](mailto:vvela@legal-aid.org)

*Attorneys for Plaintiff Bette Jean McDonald*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 25, 2012, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which then electronically notified the following participants in this case:

Brian James Hutchison, [bjhesq@gmail.com](mailto:bjhesq@gmail.com)

Charles W. Baxter, [cwbaxter@debevoise.com](mailto:cwbaxter@debevoise.com), [mao-ecf@debevoise.com](mailto:mao-ecf@debevoise.com)

Diane R. Tiveron, [dtiveron@hoganwillig.com](mailto:dtiveron@hoganwillig.com)

Dori A. Lewis, [dlewis@legal-aid.org](mailto:dlewis@legal-aid.org)

George V. C. Muscato, [georgemuscato@yahoo.com](mailto:georgemuscato@yahoo.com), [trishwelsby@yahoo.com](mailto:trishwelsby@yahoo.com)

Glenn Pincus, [gpincus@hoganwillig.com](mailto:gpincus@hoganwillig.com), [kszymanoski@hoganwillig.com](mailto:kszymanoski@hoganwillig.com),  
[ssweeney@hoganwillig.com](mailto:ssweeney@hoganwillig.com)

James T. Potter, [jpotter@hinmanstraub.com](mailto:jpotter@hinmanstraub.com), [nburnetter@hinmanstraub.com](mailto:nburnetter@hinmanstraub.com)

John Barry Licata, [jlicata@hoganwillig.com](mailto:jlicata@hoganwillig.com)

Joseph M. LaTona, [sandyw@tomburton.com](mailto:sandyw@tomburton.com), [josabele@verizon.net](mailto:josabele@verizon.net)

Kaitlin T. Farrell, [ktfarrel@debevoise.com](mailto:ktfarrel@debevoise.com)

Linda M. Cronin, [lcronin@cblawyers.net](mailto:lcronin@cblawyers.net)

Lisa Audrey Freeman, [lafreeman@legal-aid.org](mailto:lafreeman@legal-aid.org)

Maeve L. O'Connor, [moconnor@debevoise.com](mailto:moconnor@debevoise.com)

Rocco G. Avallone, [ravallone@cblawyers.net](mailto:ravallone@cblawyers.net)

Svetlana M. Eisenberg, [smeisenberg@debevoise.com](mailto:smeisenberg@debevoise.com)

Veronica Vela, [vvela@legal-aid.org](mailto:vvela@legal-aid.org)

/s/ Svetlana Eisenberg  
Svetlana Eisenberg